

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
S.P. TRUCKING LLC,)	Case No. 19-10521-BFK
)	Chapter 11
Debtor.)	

ORDER TO SHOW CAUSE

This is the Debtor's third bankruptcy case.¹ In the last bankruptcy case, the Court held a hearing on the Court's Order Setting Hearing and the case was dismissed with prejudice to refiling another case for a period of 180 days. Case No. 18-13386-KHK (Docket No. 23).² On February 19, 2019, within the 180 day "with prejudice" period, the Debtor filed a Voluntary Petition under Chapter 11. Docket No. 1.

It appears to the Court, at least on a *prima facie* basis, that the Debtor is in violation of the plain terms of a Court Order. The Court, therefore, will set the matter for a hearing, at which the Debtor Designee shall be present, for the Court to determine whether: (a) this bankruptcy case should be dismissed; (b) whether further sanctions are appropriate; and (c) whether the Court should make a criminal referral to the U.S. District Court for alleged contempt of court under 18 U.S.C. §401(3).³

¹ The other cases are: 18-11185; 18-13386.

² A copy of the Order Dismissing Case is attached as Exhibit A.

³ Section 401(3) provides:

A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

The Debtor Designee or other representative is advised that he/she has the right to refuse to testify on Fifth Amendment grounds.

It is therefore **ORDERED**:

1. The Court will hold a hearing on **March 12, 2019, at 11:00 a.m.**, at the United States Bankruptcy Court for the Eastern District of Virginia, 200 S. Washington St., Alexandria, VA 22314, in Judge Kenney's courtroom, to determine: whether: (a) this bankruptcy case should be dismissed; (b) whether further sanctions are appropriate; and (c) whether the Court should make a criminal referral to the U.S. District Court for alleged contempt of court under 18 U.S.C. §401(3).

2. **The Debtor Designee or other representative must be present at the aforesaid hearing.**

3. The Clerk will mail a copy of this Order to the Debtor and the Debtor Designee, and will provide cm-ecf notice of its entry to the U.S. Trustee's Office.

Date: Feb 21 2019

Alexandria, Virginia

/s/ Brian F. Kenney

Brian F. Kenney

United States Bankruptcy Judge

Entered on Docket: February 21, 2019

Copies to:

S.P. Trucking LLC
c/o Samuel Palomino, Debtor Designee
7140 Taylor Road
Falls Church, VA 22042
Chapter 11 Debtor

Office of the United States Trustee
1725 Duke Street, Suite 650
Alexandria, VA 22314

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

S.P. Trucking LLC

Debtor

Case No. 18-13386-KHK
Chapter 11

ORDER DISMISSING CASE WITH PREJUDICE

The Court held a hearing on November 27, 2018, on the Court's Order Setting Hearing (Docket No. 16). For the reasons stated on the record at the hearing, it is

ORDERED:

1. This case is dismissed with prejudice to re-filing under any chapter of the Bankruptcy Code in this or any other court for a period of 180 days from the entry of this Order.
2. The Debtor is advised that it has 14 days within which to note an appeal of this Order.
3. The Clerk will mail a copy of this order or give electronic notice of its entry, to the parties listed below.

Date: Dec 12 2018

/s/ Klinette Kindred
Klinette H. Kindred
United States Bankruptcy Judge

Entered on Docket: December 13, 2018

Copy mailed to:

Samuel Palomino
S.P. Trucking LLC
7140 Taylor Road
Falls Church, VA 22043

Copy electronically to:

Jack Frankel